

V. REMARKS

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; and c) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

Claims 1-8 are rejected under 35 USC 102 (b) as being anticipated by Arai et al. (U.S. Patent No. 5,800,147). The rejection is respectfully traversed.

Arai et al disclose a swash plate compressor having one outlet passage 31 of two outlet passages 31 and 32 that is connected to discharge outlet 40 through a port 5a of a valve plate 5. Arai et al. disclose, as stated in the office action [at page 4, lines 7 from the bottom] as follows:

The cylinder block 1 is formed with a through hole 50 through which a drive shaft 7 extends, five cylinder bores 11 which are arranged at predetermined circumferentially-spaced intervals around the through hole 50 and extend longitudinally in a fashion parallel with the through hole 50, three refrigerant outlet passages 31 to 33 which extend in a fashion parallel with the cylinder bores 11, and a refrigerant inlet passage 34 through which low-pressure refrigerant flows.

The structure above is not constituted to have the inlet passage be selectable from two gas passages. According to Arai et al., only the first gas passage 34 is the inlet passage. Arai does not disclose or suggest the first and third gas passages that

communicate with the swash plate chamber that further communicates with the intake chamber.

According to the present invention, flow of working fluid from the intake port to the outlet port can be selected depend on the locations of the intake port and the outlet port based on the following four combinations without changing layout of gas channels formed within a housing:

1. Intake port → first gas channel → fourth gas channel → second gas channel → outlet port;
2. Intake port → first gas channel → second gas channel → fourth gas channel → outlet port;
3. Intake port → third gas channel → fourth gas channel → second gas channel → outlet port;
4. Intake port → third gas channel → second gas channel → fourth gas channel → outlet port.

Arai fails to disclose, teach or suggest the structure above. According to Arai, flow of working fluid from the intake port to the outlet port cannot be selected depend on the locations of the intake port and the outlet port without changing layout of gas channels formed within a housing.

Thus, it is respectfully submitted that the rejection is improper because the applied art fails to teach each and every element of claim 1, as amended and discussed above. Thus, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2-8 depend from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

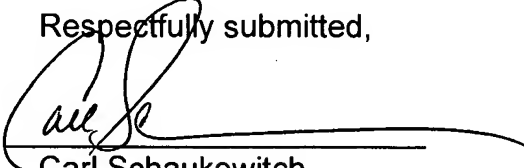
Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Date: August 18, 2009

Respectfully submitted,

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Enclosure(s): Amendment Transmittal

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